

## **REMARKS**

Claims 1-8 are pending in the application and stand rejected. Claims 1 and 8 have been amended.

### **Summary of Examiner's Action and Response**

As required by the Examiner applicants have amended claims 1 and 8 to address a lack of antecedent bases issues.

Claims 1 and 6-8 were rejected under 35 U.S.C. 102(e) as being anticipated by DeKeller (US 6,467,771). The amendments to claim 1 have addressed this rejection and it should be withdrawn.

Claims 2-5 were rejected under 35 U.S.C. 103(a) as being obvious over DeKeller (US 6,467,771). The amendments to claim 1 have addressed this rejection and it should be withdrawn.

### **Detailed Response**

Claims 1 and 6-8 were rejected under 35 U.S.C. 102(e) as being anticipated by DeKeller (US 6,467,771). The Examiner concluded that DeKeller discloses a method of playing a poker game comprising the steps of requiring an ante wager and a separate pot water of each player, dealing a poker hand to each player, and making payouts for the ante bet and awarding the pot based on the poker hands. The Examiner further concluded that a player is paid based on a pay table, and also that when a player has a certain hand (two pair) even odds against the house are paid for the ante wager. The Examiner additionally concluded that DeKeller disclosed that three community cards are dealt, and a flop wager is optionally made by each player and house rules inherently predetermine the amounts of ante wagers, flop wagers and pot wagers in casino games. Applicant has amended claim 1 to better define the invention. Amended claim 1 requires:

- 1.(Currently Amended)      A method of playing a card game comprising the steps of:
  - a)      requiring each player to place an ante wager to participate in a wagering game played against ~~the~~ a house/bank;
  - b)      requiring each player to place an additional pot wager into a pot/pool; the pot constituting a communal wager or pool wherein the players compete not against the bank but against one another with the winner of the pot bets being the player holding the highest poker hand of five cards;

- c) dealing a predetermined number of cards to each player face down;
- d) dealing a predetermined number of communal cards face down;
- e) based on the cards dealt in step “c” requiring each player to decide whether to place a flop wager to continue to participate in the wagering game played against the house/bank;
- f) based on the cards dealt in steps “c” and “d” a comparison being made between each player’s five card hand, such hand partly composed of individually dealt cards in conjunction with the communal cards, using poker rank both as the criterion for determining winning hands against the bank and for determining the winning hand regarding the pot bets;
- g) for each player who placed a flop wager determining whether each such player has a winning hand against the house pay table and paying each winning player against the house even odds for the ante wager;
- h) for each winning payer in step “g” with respect to each player’s flop wager paying each ~~winning player~~ odds displayed by the house pay table depending upon the poker rank held by each winning player; and
- i) awarding all pot wagers to the player holding the highest poker ranked hand.

It is respectfully submitted that DeKeller does not teach or disclose at least subparts “e”, “g”, and “h” of independent claim 1. Subpart “e” requires that “based on the cards dealt in step “c” requiring each player to decide whether to place a flop wager to continue to participate in the wagering game played against the house/bank.” If a player does not make the flop wager that player forfeits his initial ante wager and no longer plays against the house - - regardless of the player’s ultimate hand. If the player does make an affirmative decision to place a flop bet then two separate payouts regarding the “ante” and “flop” bets will ensue. Subparts “g” states that the player will receive even money on his ante wager if he has any winning hand against the house pay table. Subpart “h” states that he will receive house odds on his flop wager based on the particular type of winning hand he has. Accordingly, a two tiered payout against the house is envisioned. It is respectfully suggested that nothing in DeKeller teaches or discloses these limitations. Instead, DeKeller states that the entire outcome wager is compared against the

schedule of winning hands. (See DeKeller column 3 line 62 to column 4, line 13; column 5, lines 7-10). Additionally, DeKeller does not require any second wager against the house to continue against the house - -instead, DeKeller merely provides the option of increasing the wager against the house but does not mandate a second bet against the house. Accordingly, it is respectfully suggested that the rejection of independent claim 1 should be withdrawn.

Because claims 6-8 depend on claim 1, it is respectfully suggested that the rejection of these claims should also be withdrawn.

Claims 2-5 were rejected under 35 U.S.C. 103(a) as being obvious over DeKeller (US 6,467,771). The Examiner concluded that "DeKeller discloses all of the limitations of the claims with the exceptions of the precise configurations of player cards and community cards. Each of the claimed configurations is an obvious variation on the disclosure of deKeller, particularly given that it is known to vary the numbers of player cards and community cards, as well as the numbers of cards dealt face-up or face-down.

Because claims 2-5 depend on claim 1, it is respectfully suggested that the rejection of these claims should also be withdrawn.

### **CONCLUSION**

Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this response timely.

Please charge any fees due or credit any overpayment to Deposit Account No. 50-0694.



Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 4 day of August, 2004.